

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America,

Case No. 3:21 CV 22

Plaintiff,

CASE MANAGEMENT  
CONFERENCE ORDER

-vs-

JUDGE JACK ZOUHARY

Shaffer Pharmacy, Inc., et al.,

Defendants.

Case Management Conference (CMC) held by phone on March 31, 2021.

1. Counsel present: Angelita Cruz Bridges, Scott Dahlquist, Tricia Fitzgerald, and Maryann McGuire for Plaintiff; Rick Kerger for Defendants Shaffer Pharmacy and Thomas Tadsen; Chuck Boss for Defendant Wilson Bunton.
2. Federal Civil Rule 26(a) disclosures have been completed.
3. After consultation with counsel, this case will proceed on the Standard Track with trial in **April 2022**.
4. This case will be referred for a Settlement/Mediation Conference. Counsel shall promptly confirm with their clients availability (by Zoom or in person) for **April 23 or April 28, 2021**. Referral Order to Magistrate Judge Greenberg will then follow.
5. Case does involve electronic discovery, including: any electronic communications between prescribers and patients, prescribers and Defendants, patients and Defendants, and distributors and Defendants, including: e-mails, text messages, voice messages, and electronic copies of fax messages, etc.; Rx30 dispensing data; and ARCOS purchasing data. The production of

- patient health information is subject to the Court's Protective Order of January 25, 2021 (Doc. 19). Unless otherwise agreed to, electronic discovery will be produced in the form in which it is ordinarily maintained.
6. Deadline for amending pleadings/adding parties: **May 17, 2021**
  7. Counsel are reminded to follow the amended Civil Rules regarding proportional discovery and civility. Counsel will stage depositions pursuant to 2015 Civil Rules amendments. *See* Civil Case Management Procedures (Doc. 5 at ¶ 3).
  8. Discovery deadlines:
    - a. Expert disclosures: **July 1, 2021**
    - b. Expert reports: **August 31, 2021**
    - c. Rebuttal expert reports: **September 30, 2021**
    - d. Liability/ Damages: **October 29, 2021**
- NOTE:** Expert depositions require prior Court approval.
9. Without leave of Court, no discovery material shall be filed, except as necessary to support dispositive motions. Depositions filed either electronically or through the Clerk's Office shall include the Word Index.
  10. Dispositive motions are not appropriate in every case. No dispositive motions shall be filed until counsel have met and conferred about the merits of such a motion; and only after sufficient discovery has been completed that allows counsel for the moving party to represent the belief there are no disputed issues of material fact. Timing for filing a motion is the responsibility of counsel and should not conflict with this case schedule and trial date. *See* Civil Case Management Procedures (Doc. 5 at ¶ 3).

11. Parties shall provide this Court with a courtesy hard copy of all motion briefing with supporting materials (double-sided encouraged). Briefing shall be doubled-spaced (except for block quotes) in a font not less than 12 points in size, including footnotes, with margins of not less than one inch. *See* Local Civil Rule 7.1(f) for page limits. Footnotes are discouraged.

**NOTE:** Failure to follow will result in Clerk striking the briefing.

12. Counsel shall describe in the case caption whether a motion is “opposed” or “unopposed” -- which means counsel **MUST** confer with opposing counsel **BEFORE** filing any motion -- procedural or substantive.

13. Brief Joint Status Report due by **July 15, 2021**.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

April 1, 2021